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GIANT INTERNATIONAL (USA) LTD.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of
SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

Plaintiff,

v.

GIANT INTERNATIONAL (USA) LTD.,
a Delaware corporation, and DOES 1-10,

Defendants.

GIANT INTERNATIONAL (USA) LTD., a
Delaware corporation,

Cross-Complainant,

v.

JENS ERIK SORENSEN, as Trustee of
SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

Cross-Defendant.

No. 07-CV-02121-BTM-CAB

**DEFENDANT GIANT
INTERNATIONAL (USA) LTD.'S
EX PARTE APPLICATION TO
CONTINUE EARLY NEUTRAL
EVALUATION CONFERENCE**

1 Defendant and Counterclaimant Giant International (USA) Ltd. ("Giant") hereby applies,
2 *ex parte*, for an Order continuing the date of the Early Neutral Evaluation Conference ("ENE"),
3 which is currently scheduled on January 28, 2007, to a date to be determined after Judge Moskowitz
4 rules on Giant's Motion to Stay. Giant's Motion to Stay is scheduled to be heard on
5 February 8, 2008.

6 A brief continuance of the ENE until after the Motion to Stay has been determined will
7 promote judicial efficiency. If Giant's Motion to Stay is granted, this action will be stayed until the
8 reexamination of the patent-in-suit, U.S. Patent No. 4,935,184 ("the '184 Patent"), is completed. It
9 would be inefficient for the Court and the parties to conduct an ENE just days before a stay is
10 granted. Conversely, if the Court denies Giant's Motion to Stay, neither party will be prejudiced by
11 a brief continuance of the ENE.

12 Giant's counsel notified Plaintiff's counsel of this *ex parte* application on
13 December 13, 2007. Counsel for Plaintiff indicated that Plaintiff will oppose the requested
14 continuance.

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16 Dated: December 17, 2007

JACZKO GODDARD LLP

SMITH, GAMBRELL & RUSSELL, LLP

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19 By: s/Allison H. Goddard
20 Allison H. Goddard
21 Attorneys for Defendant GIANT
22 INTERNATIONAL (USA) LTD.
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Sorensen v. Giant International (USA) Ltd.

USDC Case No. 07cv02121 BTM (CAB)

Certificate of Service

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 17th day of December, 2007, with a copy of this document via the Court's CM/ECF system. I certify that all parties in this case are represented by counsel who are CM/ECF participants. Any other counsel of record will be served by electronic mail, facsimile transmission, and/or first class mail on the following business day.

/s/ Allison H. Goddard